# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
## BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

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| APPEAL NO.: | Mail Stop: Appeal Brief - Patents |
| In re Patent Application of: | Group Art Unit: 2164 |
| Eric C. Anderson | Examiner: Mellissa M. Chojnacki |
| Application No.: 09/625,398 | Confirmation No.: 7721 |
| Filed: July 26, 2000 | |
| For: Method and System for Hosting Entity Specific Photo Sharing WebSites for Entity Specific Digital Cameras | |

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APPEAL BRIEF

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## I.  REAL PARTY IN INTEREST

Appellant respectfully submits that FotoMedia Technologies, LLC is the real party in interest, as evidenced by the assignment set forth at Reel 018362, Frame 0078.

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## II.  RELATED APPEALS AND INTERFERENCES

Appellant states that no such proceedings exist.

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## III. STATUS OF CLAIMS

Claims 1-10 and 12-40 are pending in the present application, of which claims 1, 10, 23 and 34-35 are presented in independent form. No claims have been allowed, and claims 1-10 and 12-40 stand finally rejected by the Examiner as noted in the Notice of Panel Decision from Pre-Appeal Brief Review mailed 11/03/2008. Claim 11 is cancelled. The rejection of claims 1-10 and 12-40 is appealed and all applied rejections concerning those claims are herein being appealed.

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## IV. STATUS OF AMENDMENTS

All Amendments have been entered. See the Final Office Action mailed July 23, 2008.

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## V. SUMMARY OF CLAIMED SUBJECT MATTER

The claimed subject matter of claim 1 is directed to a method for providing access to respective entity-specific photo-sharing websites for a plurality of entities, each entity controlling a set of entity-specific network-enabled image capture devices. See Page 3 lines 17-18. The method includes providing an online photo-sharing service configured to provide access to the respective entity-specific photo-sharing websites for each of the entities. See page 5 lines 13-17 of the Application as originally filed. The one or more of the entity-specific photo-sharing websites is customized in appearance to a corresponding one or more of the plurality of entities. See page 5 lines 13-17 and page 8 lines 5-7. The method further includes providing software for the entity-specific network-enabled image capture devices, including a TCP-IP protocol stack that enables wireless communication between the entity-specific network-enabled image capture devices and the online photo-sharing service via a wireless Internet connection. See page 10 lines 8-10. Further, the wireless communication causes the entity-specific network-enabled image capture devices to wirelessly transmit entity ID information when the entity-specific network-enabled image capture devices wirelessly transmit images to the photo-sharing service over the Internet connection. See page 6 lines 17-21. The entity-specific network-enabled image capture devices wirelessly connects to the photo-sharing service via the wireless Internet connection, and the photo-sharing service uses the entity ID received from the entity-specific network-enabled image capture devices to automatically associate the images received from the entity-specific network-enabled image capture devices with the photo-sharing website of the identified entity. See page 7 lines 3-6.

The claimed subject matter of claim 10 is directed to an online photo-sharing system for providing access to respective photo-sharing websites for a plurality of entities. See page 5 lines 13-17. Each of the entities controls a set of network-enabled digital cameras and one or more of the photo-sharing websites is customized in appearance to a corresponding one or more of the plurality of entities. See page 5 lines 13-17 and page 8 lines 5-7. The system further includes digital camera software that is

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customized to each of the entities, including a TCP-IP protocol stack that enables wireless communication between the digital cameras and the online photo-sharing service via a wireless Internet connection. See page 10 lines 8-10. When the software customized to an entity is executed in the entity's network-enabled digital cameras during the wireless Internet connection to the photo-sharing service, the software causes the network-enabled digital cameras to automatically upload images and wirelessly transmit the entity ID information for the entity to the photo-sharing service over the wireless Internet connection. See page 6 lines 17-21. This allows the photo-sharing service to use the entity ID information received from the network-enabled digital cameras to automatically associate the uploaded images with the photo-sharing website for the entity. See page 7 lines 3-6.

The claimed subject matter of claim 23 is directed to a method for automatically sending images from entity-specific cameras to entity-specific websites. The method includes customizing a plurality of entity-specific cameras for different entities by loading at least one entity ID into the camera. See page 9 lines 24- 25. The method further includes providing an online photo-sharing service for accessing a plurality of photo-sharing websites. See page 5 lines 13-17. The method further includes providing the plurality of entity-specific cameras with a TCP-IP protocol stack for allowing the entity-specific cameras to wirelessly communicate with the online photo-sharing service over a wireless Internet connection. See page 10 lines 8-10. The method further includes customizing in appearance each of the photo-sharing websites for a respective entity to create entity-specific websites, each of the entity-specific websites being identified by a respective entity ID. See page 5 lines 13-17 and page 8 lines 5-7. The method further includes wirelessly transmitting the respective entity ID for a particular entity-specific website from the camera to the photo-sharing service when uploading images from the camera to the photo-sharing service via the wireless Internet connection. See page 6 lines 17-21. The method further includes receiving the images and the entity ID from the camera and associating the images with the particular entity-specific website identified by the entity ID. See page 7 lines 3-6.

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The claimed subject matter of claim 34 is directed to an online photo-sharing system for hosting respective websites for a plurality of entities. Each of the entities controls a set of network-enabled digital cameras and one or more of the websites is customized in appearance to a corresponding one or more of the plurality of entities. See page 5 lines 13-17 and page 8 lines 5-7. The set of network-enabled digital cameras include digital camera software that is customized to each of the entities, including a TCP-IP protocol stack that enables wireless communication between the network-enabled digital cameras and the online photo-sharing service via a wireless Internet connection. See page 10 lines 8-10. When the software customized to a particular entity is executed in the entity's network-enabled digital cameras during the wireless Internet connection, the software causes the network-enabled digital cameras to automatically upload images and wirelessly transmit the entity ID information for the particular entity to the photo-sharing service over the Internet connection. See page 6 lines 17-21. This allows the photo-sharing service to use the entity ID information received from the network-enabled digital cameras to automatically associate the uploaded images with the photo-sharing website hosted for that particular entity. See page 7 lines 3-6.

The claimed subject matter of claim 35 is directed to an online photo-sharing system. The system includes a plurality of network-enabled digital cameras for accessing an online photo-sharing service for hosting respective websites for a plurality of entities. Each of the entities controls at least one of the network-enabled digital cameras and one or more of the websites is customized in appearance to a corresponding one or more of the plurality of entities. See page 5 lines 13-17 and page 8 lines 5-7. Each of the plurality of network-enabled digital cameras includes digital camera software that is customized to each of the entities, including a TCP-IP protocol stack that enables wireless communication between the network-enabled digital cameras and the online photo-sharing service via a wireless Internet connection. See page 10 lines 8-10. When the software customized to a particular entity is executed in the entity's network-enabled digital cameras during the wireless Internet connection, the

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software causes the network-enabled digital cameras to automatically upload images and wirelessly transmit the entity ID information for the particular entity to the photo-sharing service over the wireless Internet connection.  See page 6 lines 17-21.  This allows the photo-sharing service to use the entity ID information received from the network-enabled digital cameras to automatically associate the uploaded images with the photo-sharing website hosted for that particular entity.  See page 7 lines 3-6.

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## VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1-10 and 12-40 stand rejected under 35 U.S.C. § 102 as being anticipated by US Patent number 6,567,122 to Anderson, et al. (hereinafter "Anderson").

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## VIII.  ARGUMENTS

## A.  Summary of the Applied Rejections

In the Final Office Action, the Examiner rejected claims 1-10 and 12-40 under 35

U.S.C. § 102 as being anticipated by US Patent number 6,567,122 to Anderson, et al.

(hereinafter "Anderson").  In so doing with reference to claim 1, the Examiner stated:

> As to claim 1, Anderson et al. teaches a method for providing access to
> respective entity-specific photo-sharing websites for a plurality of entities,
> each entity controlling a set of entity-specific network-enabled image
> capture devices (See Abstract; column 4, lines 5-13, lines 19-56), the
> method comprising: providing an online photo-sharing service configured
> to provide access to the respective entity-specific photo-sharing websites
> for each of the entities, wherein one or more of the entity-specific photo-
> sharing websites is customized in appearance to a corresponding one or
> more of the plurality of entities (See column 4, lines 19-56); and providing
> software for the entity-specific network-enabled image capture devices,
> including a TCP-IP protocol stack that enables wireless communication
> between the entity-specific network-enabled image capture devices and
> the online photo-sharing service via a-a a wireless Internet connection
> (See abstract; column 4, lines 1-57; column 9, lines 19-50; column 12,
> lines 5-40), that causes the entity-specific network enabled image capture
> devices to wirelessly transmit entity ID information when the entity-specific
> network-enabled image capture devices wirelessly transmit images to the
> photo-sharing service over the Internet connection (See abstract; column
> 4, lines 1-57; column 9, lines 19-50; column 12, lines 5-40), wherein when
> the entity-specific network enabled image capture devices wirelessly
> connect to the photo-sharing service via the wireless Internet connection,
> the photo-sharing service uses the entity ID received from the entity-
> specific network-enabled image capture devices to automatically
> associate the images received from the entity-specific network-enabled
> image capture devices with the photo-sharing website of the identified
> entity (See abstract; column 4, lines 1 -57; column 8, lines 56-67; column
> 9, lines 19-50; column 10, lines 44-56; column 12, lines 5-40).

Further with reference to claim 10, the Examiner stated:

> As to claim 10, Anderson et al. teaches an online photo-sharing system
> (See Abstract; column 4, lines 5-1 3, lines 19-56), comprising: an online
> photo-sharing service for providing access to respective photo-sharing
> websites for a plurality of entities, wherein each of the entities controls a

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set of network enabled digital cameras and one or more of the photo-sharing websites is customized f4- in appearance to a corresponding one or more of the plurality of entities (See Abstract; column 4, lines 5-1 3, lines 19-56); and digital camera software that is customized each of the entities, including a TCPIP protocol stack that enables wireless communication between the digital cameras and the online photo-sharing service via wireless Internet connection, wherein when the software customized an entity is executed in the entity's network-enabled digital cameras during the wireless Internet connection to the photo- sharing service (See abstract; column 4, lines 1-57; column 9, lines 19-50; column 12, lines 5-40), the software causes the network-enabled digital cameras to automatically upload images and wirelessly transmit the entity ID information for the entity to the photo-sharing service over the wireless Internet connection (See abstract; column 4, lines 1-57; column 9, lines 19-50; column 12, lines 5-40), allowing the photo-sharing service to use the entity ID information received from the network- enabled digital cameras to automatically associate the uploaded images with the photo-sharing website for the entity (See abstract; column 4, lines 1-57; column 8, lines 56-67; column 9, lines 19-50; column 10, lines 44-56; column 12, lines 5-40).

Further, with reference to claim 23 the Examiner stated:

As to claim 23, Anderson et al. teaches a method for automatically sending images from entity-specific cameras to entity-specific websites (See Abstract; column 4, lines 5-1 3, lines 19-56), comprising: customizing a plurality of entity-specific cameras  for different entities by loading at least one entity ID into the camera; providing an online photo-sharing service for accessing a plurality of photo- sharing websites (See Abstract; column 4, lines 5-13, lines 1 9-56); providing the plurality of entity-specific cameras with a TCP-IP protocol stack for allowing the entity-specific cameras to wirelessly communicate with the online photosharing service over a-a a wireless Internet connection (See abstract; column 4, lines 1 - 57; column 9, lines 19-50; column 12, lines 5-40); customizing in appearance each of the photo-sharing websites for a respective entity to create entity-specific websites, each of the entity-specific websites being identified by a respective entity ID (See abstract; column 4, lines 1-57; column 9, lines 19-50; column 12, lines 5-40); wirelessly transmitting the respective entity ID for a particular entity-specific website from the camera to the photo-sharing service when uploading images from the camera to the photo-sharing service via the wireless Internet connection (See abstract; column 4, lines 1-57; column 9, lines 19-50; column 12, lines 5-

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40); and receiving the images and the entity ID from the camera and associating the images with the particular entity-specific website identified by the entity ID (See abstract; column 4, lines 1-57; column 8, lines 56-67; column 9, lines 19-50; column 10, lines 44-56; column 12, lines 5-40).

Further, with reference to claim 34 the Examiner stated:

As to claim 34, Anderson et al. teaches an online photo-sharing system (See Abstract; column 4, lines 5-1 3, lines 19-56), comprising: an online photo-sharing service for hosting respective websites for a plurality of entities, wherein each of the entities controls a set of network-enabled digital cameras and one or more of the websites is customized in appearance to a corresponding one or more of the plurality of entities, the set of network-enabled digital cameras including digital camera software that is customized to each of the entities (See Abstract; column 4, lines 5-1 3, lines 19-56), including a TCP-IP protocol stack that enables wireless communication between the network- enabled digital cameras and the online photosharing service via a-a a wireless Internet connection, wherein when the software customized to a particular entity is executed in the entity's network-enabled digital cameras during the wireless Internet connection (See abstract; column 4, lines 1-57; column 9, lines 19-50; column 12, lines 5-40), the software causes the network-enabled digital cameras to automatically upload images and wirelessly transmit the entity ID information for the particular entity to the photo-sharing service over the Internet connection (See abstract; column 4, lines 1-57; column 9, lines 19-50; column 12, lines 5-40), allowing the photo-sharing service to use the entity ID information received from the network-enabled digital cameras to automatically associate the uploaded images with the photo-sharing website hosted for that particular entity (See abstract; column 4, lines 1-57; column 8, lines 56-67; column 9, lines 19-50; column 10, lines 44-56; column 12, lines 5-40).

Further, with reference to claim 35, the Examiner stated:

As to claim 35, Anderson et al. teaches an online photo-sharing system (See Abstract; column 4, lines 5-1 3, lines 19-56), comprising: a plurality of network-enabled digital cameras for accessing an online photosharing service for hosting respective websites for a plurality of entities, wherein each of the entities controls at least one of the network-enabled digital cameras and one or more of the websites is customized in appearance to a corresponding one or more of the plurality of entities (See Abstract; column 4, lines 5-1 3, lines 19-56), each of the plurality of network-enabled digital cameras including digital camera software that is customized each of the entities, including a TCP-IP protocol stack that

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enables wireless communication between the network-enabled digital cameras and the online photosharing service via an a wireless Internet connection, wherein when the software customized to a particular entity is executed in the entity's network-enabled digital cameras during the wireless Internet connection (See abstract; column 4, lines 1-57; column 9, lines 19-50; column 12, lines 5-40), the software causes the network-enabled digital cameras to automatically upload images and wirelessly transmit the entity ID information for the particular entity to the photo-sharing service over the wireless Internet connection, allowing the photo-sharing service to use the entity ID information received from the network-enabled digital cameras to automatically associate the uploaded images with the photo-sharing website hosted for that particular entity (See abstract; column 4, lines 1-57; column 8, lines 56-67; column 9, lines 19-50; column 10, lines 44-56; column 12, lines 5-40).

The Examiner responded to Applicant's arguments and did not find the arguments to be persuasive. In so doing, the Examiner stated:

> In response to applicants' arguments regarding "None of the cited sections of Anderson disclose a photo-sharing site as recited in the instant claims ... The images in Anderson are stored on the image capture unit and accessed from that location. The abstract clearly states "The web page provides access to the stored images within the image capture unit. " There is no mention of storing images anywhere other than on the camera. As such, Anderson cannot be said to disclose or suggest a photo-sharing website or service in any manner," the arguments have been fully considered but are not found to be persuasive, because Anderson et al. discloses allows the user or other users to access the images via the internet by a device ID (See column 5, lines 47-55; column 6, lines 8-19, where it is disclosed that pictures can be stored on the computer. also see column 8, lines 56-67; column 9, lines .30-50). It can also be inherent that the photos are stored on the "Web page" because otherwise the user's friends or relatives could not view them.

> In response to applicants' arguments regarding "Anderson cannot be said to disclose or suggest "wherein one or more of the entity-specific photo-sharing websites is customized in appearance to a corresponding one or more of the plurality of entities " as recited in claim 1," the arguments have been fully considered but are not found to be persuasive, because according to the specification of the present application "customized in appearance" is not disclosed or defined therefore, the examiner is

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interpreting it vaguely. Anderson et al. discloses that the web page is user and device specific (See column 9, lines 39-50).

In response to applicants' arguments regarding "the only access to images that occurs in Anderson is via a webpage provided by the camera that provides direct access to a user via a web browser. No photo-sharing service is described at all, much less one that receives images," the arguments have been fully considered but are not found to be persuasive, because Anderson et al. discloses user sharing in column 9, lines 39-50 and column 10, lines 44-56.

In response to applicants' arguments regarding "the ID server cannot be said to disclose this recitation as well. The ID server never receives the images, much less automatically associates the images with the photo-sharing website of the identified entity. As such, the ID server disclosed in Anderson cannot be said to disclose this recitation either. Accordingly, since Anderson fails to disclose each and every feature of the claimed invention for this reason as well, claim 1 is not anticipated by Anderson," the arguments have been fully considered but are not found to be persuasive, because Anderson et al. discloses allows the user or other users to access the images via the internet by a device ID (See column 5, lines 47-55; column 6, lines 8-1 9, where it is disclosed that pictures can be stored on the computer. also see column 8, lines 56-67; column 9, lines .30-50). It can also be inherent that the photos are stored on the "Web page" because otherwise the users friends or relatives could not view them.

## B. The Cited Prior Art

Anderson teaches "a method and system for implementing internet access to images stored in a digital image capture unit including an imaging device and a display." The image capture unit (e.g., a digital camera) is used to capture images and store them within its internal memory. The image capture unit accesses a ID server via the internet and registers its identity and internet address with the web server. A user subsequently accesses the image capture unit by entering the identity of the image capture unit into his web browser. The web browser, using standard internet protocols, then queries the ID server with the identity of the image capture unit and retrieves the internet address. The internet address is subsequently used to access a web page

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hosted by the image capture unit and display the web page to the user. The web page

provides access to the stored images within the image capture unit." See Abstract

For example, Anderson describes in Column 12 line 23- 67:

Referring now to FIG. 9, a diagram 900 of the connectivity and application software of camera 100 is shown. At the software level, computer 118 of camera 100 hosts a TCP-IP protocol stack 901 (including PPP (Point to Point Protocol)), which, as is well-known in the art, enables communication via the internet. Protocol stack 901 interfaces with the physical connection hardware 902 of camera 100 and the application layer 903. The bottom of protocol stack 901 includes communication hardware interface drivers which interfaces directly with the various communications hardware camera 100 must function with (e.g., USB, IEEE1394, etc.). The top of protocol stack 901 includes software APIs and protocol libraries which interface with web server application 910 running in an applications layer 903. Applications layer 903 interfaces with an operating system 904. Applications layer 903, protocol stack 901, and operating system 904 are instantiated as software modules in DRAM 346 of camera 100.

The web server application 910 runs within applications layer 903, along with other software applications which provide camera 100's functionality (e.g., still image downloading, motion detection, aim control for a remote aiming device, and the like). The web server application 910 responds to queries from the user's internet web browser and other web browsers, which include user requests and user commands directed to the camera (e.g., taking the picture, changing the picture taking interval, etc.) and communicates with other software applications within applications layer 903. These applications each communicate with operating system 904 of the camera 100, which controls the functionality of camera 100 (e.g., taking pictures, storing pictures, and the like). HTTP requests are received and HTML files are transferred to and from the web server application 910 via protocol stack 901, and communications hardware 902.

## C. Independent Claims 1, 10, 23 and 34-35 are Allowable Over Anderson

The Office fails to establish a proper rejection under 35 U.S.C. § 102 in that the

Office fails to provide a single reference that discloses each and every feature of the

claimed invention.

To support a rejection under 35 U.S.C. § 102, each and every feature of the

claimed invention must be shown in a single prior art document. In re Paulsen, 30 F.3d

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1475 (Fed. Cir. 1994); In re Robertson, 169 F.3d 743 (Fed. Cir. 1999). Further, as the Federal Circuit recently stated in Net Moneyin, Inc., v. Verisign, Inc. (Fed. Cir. 2008), a proper anticipation rejection under 35 U.S.C. § 102 requires more than the disclosure of each element in a cited reference. In order to anticipate under 35 U.S.C. § 102, a reference must not only disclose all elements of the claim within the four corners of the document, but must also disclose those elements arranged or combined in the same way as recited in the claim. The prior art reference must clearly and unequivocally disclose the claimed invention or direct those skilled in the art to the invention without need for picking, choosing, and combining various disclosures not directly related to each other by the teachings of the cited reference.

Anderson fails to disclose several recitations of the instant claims, as described below. Further, even assuming, which Applicant denies, the sections of Anderson cited by the Office teach the elements of the instant claims, Anderson fails to disclose those elements arranged or combined in the same way as recited in the claim.

First, Anderson fails to disclose the feature of "a method for providing access to respective entity-specific photo-sharing websites for a plurality of entities, each entity controlling a set of entity-specific network-enabled image capture devices." The Office contends that Anderson this recitation in the sections found in the Abstract; page 20, lines 23-27, page 21, lines 1-4; and on page 26, lines 6-15. The Office further contends that "Anderson discloses allows the user or other users to access the images via the internet by a device ID (See column 5, lines 47-55; column 6, lines 8-19...also see column 8, lines 56-67; column 9, lines 30-50)."

There is no disclosure in any of the cited portions of Anderson to a photo-sharing website at all much less to entity-specific photo-sharing websites for a plurality of entities as recited in the independent claims. It is clear from the Abstract that Anderson is directed to a method and system for providing access to a digital image capture unit via an ID server. In Anderson, a web browser can be used to directly access the image capture unit to access the stored images within the image capture unit.

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None of the cited sections of Anderson disclose a photo-sharing site as recited in the instant claims. As defined on page 2 lines 5-8 of the instant application, a photo-sharing website allows "users to store their images ....once posted on a photo-sharing website, others may view the images over the Internet." In pointing to this section of the specification, Applicant is not attempting to improperly read limitations from the Specification into the claim. Rather, Applicant is merely pointing to a definition of a term (photo-sharing website) found in the claim. The claim must be interpreted in a manner consistent with the Specification as required by the MPEP.

As stated above, Anderson is directed to allowing access to a digital camera via a website. The images in Anderson are stored on the image capture unit and accessed from that location. The abstract clearly states "The web page provides access to the stored images within the image capture unit." There is no mention of storing images anywhere other than on the camera. The Office further makes the conclusory statement that "It can also be inherent that the photos are stored on the "Web page" because otherwise the user's friends or relatives could not view them." This conclusory statement is simply false. In Anderson, the images that are stored on the camera can be viewed through the functions provided by the web server hosted on the camera without storing the pictures on the web page.

As such, Anderson cannot be said to disclose or suggest a photo-sharing website or service in any manner. Accordingly, since Anderson fails to disclose each and every feature of the claimed invention for at least the above reasons, the Office has failed to make a proper rejection of the independent claims under 35 USC 102. Accordingly, independent claims 1, 10, 23 and 34-35 are considered allowable over Anderson for at least this reason. Further, each of claims 2-9, 12-22, 24-33, and 36-40 depend, either directly or indirectly from one of the above referenced independent claims, and are considered novel and inventive for at least the same reasons.

Second, the Office has failed to address the recited feature of a ""providing an online photo-sharing service configured to provide access to the respective entity-specific photo-sharing websites for each of the entities, wherein one or more of the

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entity-specific photo-sharing websites is customized in appearance to a corresponding one or more of the plurality of entities." The Office contends that Anderson teaches "providing an online photo-sharing service configured to provide access to the respective entity-specific photo-sharing websites for each of the entities, wherein one or more of the entity-specific photo-sharing websites is customized in appearance to a corresponding one or more of the plurality of entities (See page 29, lines 12-27; page 30, lines 1-11; page 33, lines 6-21)" as recited in the independent claims.

The cited sections are directed to web pages that are provided by each individual camera, not by an online photo-sharing service as recited by the independent claims. The only server described in these sections is the ID server. The ID server is simply not a photo-sharing service as defined in the instant application. The ID server, as described above, maps an ID of an image capture unit to an Internet address. The ID server then performs a lookup function to locate the image capture unit. There is no discussion of the ID server storing images as a photo-sharing service must do. Accordingly, the ID server cannot be said to disclose a photo-sharing service as recited in the independent claims.

Accordingly, independent claims 1, 10, 23 and 34-35 are considered allowable over Anderson for at least this reason as well. Further, each of claims 2-9, 12-22, 24-33, and 36-40 depend, either directly or indirectly from one of the above referenced independent claims, and are considered novel and inventive for at least the same reasons.

Further, Anderson does not disclose customizing the appearance of an entity specific website at all. The Office states it is interpreting this recitation vaguely. Even with the vaguest possible interpretation, the cited sections of Anderson fail to disclose or even suggest a website that is "customized in appearance." For example, the cited sections describe web pages that are served by the cameras themselves (rather than by a photo-sharing service) that include objects such as control buttons, data entry fields, drop down menus, etc. for interaction with the user. There is no discussion of these objects being customized in any manner, much less customized in appearance to

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a corresponding one or more of the plurality of entities. Accordingly, since Anderson fails to disclose each and every feature of the claimed invention for this reason as well, the independent claims are not anticipated by Anderson.

Accordingly, independent claims 1, 10, 23 and 34-35 are considered allowable over Anderson for at least this reason as well. Further, each of claims 2-9, 12-22, 24-33, and 36-40 depend, either directly or indirectly from one of the above referenced independent claims, and are considered novel and inventive for at least the same reasons.

Third, Anderson fails to disclose the recited feature of a "that causes the entity-specific network-enabled image capture devices to wirelessly transmit entity ID information when the entity-specific network-enabled image capture devices wirelessly transmit images to the photo-sharing service over the internet connection." The Office contends that Anderson teaches "that causes the entity-specific network-enabled image capture devices to wirelessly transmit entity ID information when the entity-specific network-enabled image capture devices wirelessly transmit images to the photo-sharing service over the internet connection (See page 20, lines 23-27, page 21, lines 1-4; page 26, lines 6-15)" as recited in the independent claims. As described above, the ID server never receives images from the image capture device in Anderson. There is no description of the ID server receiving anything other than ID's and lookup/registration requests. The only access to images that occurs in Anderson is through direct access to the camera via a webpage provided by the camera. No photo-sharing service is described at all, much less one that receives images. Accordingly, Anderson cannot be said to disclose or suggest "image capture devices wirelessly transmit images to the photo-sharing service" as recited in the independent claims.

Further, the Office responds to Applicant's arguments by stating "the arguments have been fully considered but are not found to be persuasive, because Anderson et al. discloses user sharing." Simply making the conclusory statement that Anderson discloses user sharing is not sufficient to establish a case for anticipation for the recitation "that causes the entity-specific network-enabled image capture devices to

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wirelessly transmit entity ID information when the entity-specific network-enabled image capture devices wirelessly transmit images to the photo-sharing service over the internet connection." Applicant does not deny that user sharing takes place in Anderson. As discussed above, Anderson describes sharing images by providing access to images stored on a camera. In such a situation as described in Anderson, there is no need to transmit entity ID information as the images are being directly accessed from the camera. Further, as the images are accessed directly from the camera, there is no need for the images to be transmitted to the photo-sharing service as required by the instant claims.

Accordingly, independent claims 1, 10, 23 and 34-35 are considered allowable over Anderson for at least this reason. Further, each of claims 2-9, 12-22, 24-33, and 36-40 depend, either directly or indirectly from one of the above referenced independent claims, and are considered novel and inventive for at least the same reasons.

Further, the Office asserts that Anderson discloses "wherein when the entity-specific network-enabled image capture devices wirelessly connect to the photo-sharing service via the wireless internet connection, the photosharing service uses the entity ID received from the entity-specific network-enabled image capture devices to automatically associate the images received from the entity specific network-enabled image capture devices with the photo-sharing website of the identified entity (See page 20, lines 23-27; page 21, lines 1-4, page 22, lines 4-15; page 26, lines 16-27; page 27, lines 1-16)" as recited in the independent claims. The Office appears to rely on the section found on page 22, lines 4-15 as anticipating the above referenced recitation.

From the section cited above, it appears that the Office is now reading the web server application of Anderson as anticipating the photo-sharing service. Applicant respectfully disagrees. The cited section clearly states that the web server application is hosted by the camera. The claim recites the image capture device wirelessly connects to the photo-sharing service. Applicant respectfully asserts that a web server application hosted on a camera would not be wirelessly accessed by the camera. Such an operation is not only not disclosed in Anderson, but would simply make no sense. It

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is simply unclear to Applicant how a camera would wirelessly connect to a web server application hosted on the camera.  As such, the web server application disclosed in Anderson cannot be said to disclose a photo-sharing service as recited in the independent claims.

Accordingly, independent claims 1, 10, 23 and 34-35 are considered allowable over Anderson for at least this reason.  Further, each of claims 2-9, 12-22, 24-33, and 36-40 depend, either directly or indirectly from one of the above referenced independent claims, and are considered novel and inventive for at least the same reasons.

The Office fails to establish a proper rejection under 35 USC 102 in that even assuming, which applicant denies, the teachings of Anderson cited by the Office teach the elements of the instant claims, Anderson fails to disclose those elements arranged or combined in the same way as recited in the claim.

The Office relies on disparate disclosures and sections of Anderson as anticipating the instant claims.  For example, the Office alternates between citing the ID server disclosed in Anderson and the Web server disclosed in Anderson in making the case for anticipation.  As stated above, the Office relies on the web server application of Anderson as anticipating the photo-sharing service recited in the independent claims for a particular recitation and the ID server of Anderson used for the other recitations of the independent claims.

As stated above, the Federal Circuit has made clear that "the prior art reference must clearly and unequivocally disclose the claimed invention or direct those skilled in the art to the invention without need for picking, choosing, and combining various disclosures not directly related to each other by the teachings of the cited reference." As such, the Office cannot rely on two different servers (the ID server and the web server, respectively), providing two different services (checking ID and providing access to the camera, respectively) and located in two different locations (remote and hosted on the camera, respectively) as anticipating the photo-sharing service of the independent claims.

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Accordingly, independent claims 1, 10, 23 and 34-35 are considered allowable over Anderson for at least this reason as well. Further, each of claims 2-9, 12-22, 24-33, and 36-40 depend, either directly or indirectly from one of the above referenced independent claims, and are considered novel and inventive for at least the same reasons.

## D.  Summary of Arguments

For the reasons set forth above, Appellant respectfully submits that claims 1-10 and 12-40 are allowable over the cited reference. Appellant respectfully requests that the final rejection of claims 1-10 and 12-40 be reversed.

**Note:  For convenience of detachment without disturbing the integrity of the remainder of pages of this Appeal Brief, Appellant's APPENDICES A-C are attached on separate sheets following the signatory portion of this Appeal Brief.** The Commissioner is hereby authorized to charge any additional fees, or credit any overpayment, associated with the filing of this paper to Deposit Account No. **50-3512**.

Respectfully submitted,

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**APPENDIX A**

CLAIMS

1. A method for providing access to respective entity-specific photo-sharing websites for a plurality of entities, each entity controlling a set of entity-specific network-enabled image capture devices, the method comprising:

   providing an online photo-sharing service configured to provide access to the respective entity-specific photo-sharing websites for each of the entities, wherein one or more of the entity-specific photo-sharing websites is customized in appearance to a corresponding one or more of the plurality of entities; and

   providing software for the entity-specific network-enabled image capture devices, including a TCP-IP protocol stack that enables wireless communication between the entity-specific network-enabled image capture devices and the online photo-sharing service via a wireless Internet connection, that causes the entity-specific network-enabled image capture devices to wirelessly transmit entity ID information when the entity-specific network-enabled image capture devices wirelessly transmit images to the photo-sharing service over the Internet connection, wherein when the entity-specific network-enabled image capture devices wirelessly connect to the photo-sharing service via the wireless Internet connection, the photo-sharing service uses the entity ID received from the entity-specific network-enabled image capture devices to automatically associate the images received from the entity-specific network-enabled image capture devices with the photo-sharing website of the identified entity.

2. The method of claim 1 further including storing the entity ID in the entity-specific network-enabled image capture devices during manufacturing.

3. The method of claim 1 further including storing the entity ID in the entity-specific network-enabled image capture devices subsequent to manufacturing.

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4. The method of claim 2 further including providing a plurality of entity IDs, wherein each entity ID identifies a different entity.

5. The method of claim 4 further including providing an entity ID identifying a camera manufacturer and an entity ID identifying a user.

6. The method of claim 5 further including storing an entity account in a database corresponding to different entity IDs.

7. The method of claim 6 further including associating with each of the entity accounts, web pages comprising the corresponding entity-specific photo-sharing website, and user account numbers of authorized users.

8. The method of claim 7 further including matching the entity ID information received from each entity-specific network-enabled image capture device with the corresponding entity account in the database.

9. The method of claim 8 further including automatically associating the received images with the entity-specific photo-sharing website of the identified entity.

10. An online photo-sharing system, comprising:

an online photo-sharing service for providing access to respective photo-sharing websites for a plurality of entities, wherein each of the entities controls a set of network-enabled digital cameras and one or more of the photo-sharing websites is customized in appearance to a corresponding one or more of the plurality of entities; and

digital camera software that is customized to each of the entities, including a TCP-IP protocol stack that enables wireless communication between the digital cameras and the online photo-sharing service via a wireless Internet connection, wherein when the software customized to an entity is executed in the entity's network-

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enabled digital cameras during the wireless Internet connection to the photo-sharing
service, the software causes the network-enabled digital cameras to automatically
upload images and wirelessly transmit the entity ID information for the entity to the
photo-sharing service over the wireless Internet connection, allowing the photo-sharing
service to use the entity ID information received from the network-enabled digital
cameras to automatically associate the uploaded images with the photo-sharing website
for the entity.


11. (Canceled)


12.  The online photo-sharing system of claim 10 wherein the entity ID is stored in the
network-enabled digital camera during manufacturing.


13.  The online photo-sharing system of claim 10 wherein the entity ID is stored in the
network-enabled digital camera subsequent to manufacturing.


14.  The online photo-sharing system of claim 13 wherein at least one set of network-
enabled digital cameras is controlled by a hierarchal relationship of entities.


15.  The online photo-sharing system of claim 14 wherein the network-enabled digital
camera transmits the entity ID of each of the entities in the hierarchal relationship.


16.  The online photo-sharing system of claim 15 wherein the entities include at least
one of a camera manufacturer, a business, a government agency, and end-users.


17.  The online photo-sharing system of claim 10 wherein the online photo-sharing
service includes a server and a database for hosting the respective websites.

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18.  The online photo-sharing system of claim 17 wherein the database stores entity account information for each one of the entities.


19.  The online photo-sharing system of claim 18 wherein the server matches each one of the entity IDs received with one of the entity accounts.


20.  The online photo-sharing system of claim 19 wherein the online photo-sharing service derives revenue from the entities.


21.  The online photo-sharing system of claim 20 wherein the online photo-sharing service shares revenue with multiple entities that are in a hierarchal relationship.


22.  The online photo-sharing system of claim 20 wherein the respective websites are presented as being hosted by the corresponding entities.


23.  A method for automatically sending images from entity-specific cameras to entity-specific websites, comprising:
customizing a plurality of entity-specific cameras for different entities by loading at least one entity ID into the camera;
        providing an online photo-sharing service for accessing a plurality of photo-sharing websites;
providing the plurality of entity-specific cameras with a TCP-IP protocol stack for allowing the entity-specific cameras to wirelessly communicate with the online photo-sharing service over a wireless Internet connection;
customizing in appearance each of the photo-sharing websites for a respective entity to create entity-specific websites, each of the entity-specific websites being identified by a respective entity ID;

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wirelessly transmitting the respective entity ID for a particular entity-specific website from the camera to the photo-sharing service when uploading images from the camera to the photo-sharing service via the wireless Internet connection; and

receiving the images and the entity ID from the camera and associating the images with the particular entity-specific website identified by the entity ID.

24.  The method of claim 23 further including customizing at least one of the entity-specific cameras for a hierarchal relationship of entities.

25.  The method of claim 24 further including providing the entity ID as a set of hierarchal entity IDs.

26.  The method of claim 25 further including storing the entity-specific websites on a database accessed by a server.

27.  The method of claim 26 further including creating an entity account in the database for every entity ID, and associating each of the entity-specific websites with the corresponding entity account.

28.  The method of claim 27 further including associating URL's of the entity-specific websites with the corresponding entity accounts in the database.

29.  The method of claim 28 further including matching a received entity ID with one of the entity accounts to associate the received images with the entity-specific website.

30.  The method of claim 29 further including transmitting a user entity ID with the entity ID, and creating a user account in the database corresponding to the user ID, wherein the received images are associated with the users account in the corresponding entity-specific website.

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31. The method of claim 1 wherein providing software for the entity-specific network-enabled image capture devices further includes:

    providing a default internet service provider connection information.

32. The system of claim 10 wherein the network-enabled digital camera further includes:

    default internet service provider connection information.

33. The method of claim 23 further comprising:

    providing the plurality of entity-specific cameras with default internet service provider connection information.

34. An online photo-sharing system, comprising:

    an online photo-sharing service for hosting respective websites for a plurality of entities, wherein each of the entities controls a set of network-enabled digital cameras and one or more of the websites is customized in appearance to a corresponding one or more of the plurality of entities, the set of network-enabled digital cameras including digital camera software that is customized to each of the entities, including a TCP-IP protocol stack that enables wireless communication between the network-enabled digital cameras and the online photo-sharing service via a wireless Internet connection, wherein when the software customized to a particular entity is executed in the entity's network-enabled digital cameras during the wireless Internet connection, the software causes the network-enabled digital cameras to automatically upload images and wirelessly transmit the entity ID information for the particular entity to the photo-sharing service over the Internet connection, allowing the photo-sharing service to use the entity ID information received from the network-enabled digital cameras to automatically associate the uploaded images with the photo-sharing website hosted for that particular entity.

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35.  An online photo-sharing system, comprising:

a plurality of network-enabled digital cameras for accessing an online photo-
sharing service for hosting respective websites for a plurality of entities, wherein each of
the entities controls at least one of the network-enabled digital cameras and one or
more of the websites is customized in appearance to a corresponding one or more of
the plurality of entities, each of the plurality of network-enabled digital cameras including
digital camera software that is customized to each of the entities, including a TCP-IP
protocol stack that enables wireless communication between the network-enabled
digital cameras and the online photo-sharing service via a wireless Internet connection,
wherein when the software customized to a particular entity is executed in the entity's
network-enabled digital cameras during the wireless Internet connection, the software
causes the network-enabled digital cameras to automatically upload images and
wirelessly transmit the entity ID information for the particular entity to the photo-sharing
service over the wireless Internet connection, allowing the photo-sharing service to use
the entity ID information received from the network-enabled digital cameras to
automatically associate the uploaded images with the photo-sharing website hosted for
that particular entity.

36.  The method of claim 1, wherein the online photo-sharing service is configured to
host the entity-specific photo-sharing websites for each of the entities.

37.  The method of claim 1, wherein the entity specific photo-sharing websites are
hosted outside of the photo-sharing service.

38.  The online photo-sharing system of claim 10 wherein the online photo-sharing
service is configured to access a server and a database outside of the photo-sharing
service for hosting the respective websites.

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39. The method of claim 26, wherein the database storing the entity-specific websites is included within the photo-sharing service.


40. The method of claim 26, wherein the database storing the entity-specific websites is arranged outside the photo-sharing service.

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**APPENDIX B**

EVIDENCE

(NONE)

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## APPENDIX C

RELATED PROCEEDINGS

(NONE)